TKN

Scott. II-27—45,000—15-11-35.

(1936.) Department.

hrs SERIES.

G.O. No. 1720

DATED 5.12.36.

[Despatch Abstract.]

Lewis Mayor — Bellary to Madras — Loan on the village — Amount for the Manager of the Sugar Co. Proprietors Company — Draft for the Bank Mgr.

A.B

C.F. 31—13,206—14-12-35.

Revenue DEPARTMENT.

CURRENT No. 3552 B

Received ____ 19 Registered 14.8.36 19

Subject.

Land Acquisition - Bellary - Hospet taluk - Amaravath village - S.No. 250 - Quarters for workmen of the India Sugars and Refineries Co., - Section 4(1) notification Submitted.

Reference No. D. 4737/36-1

Station Madras, Dated the 10th August 19 36.

From

D.I.R.Muir Esq., I.C.S.,

Joint Secretary,

Board of Revenue.

The Hon'ble Diwan Bahadur N.Gopalaswami Ayyangar C.I.E.,
Commissioner of Land Revenue and Settlement.

Read the following:-

Letter from T.Bhaskara Rao Esq., I.C.S., Collector of Bellary No. Ref. C.3687/36-A7 dated 31st July 1936.

--

Reference

Submitted to the Government.

2. The Board recommends that the draft notificatio under section 4(1) of the Land Acquisition Act may be approved and published in the Gazette.

3. The Board requests that the draft agreement unde section 41 of the Land Acquisition Act may also be -- approved.

for Joint Secretary.

To the Secretary to Government, Revenue department.
with enclosure.

M.R.V./11-8-36.

C.F. 32.

Revenue. DEPARTMENT.

reply, please quote number, date and short-title.*

*Received*_____ *Registered*_____

From (Name) T.Bhaskara Rao Esq.,I.C.S.,

(Designation) Collector of

Post Box_____, (Station) Bellary.

*Telegraphic Address*_____

To

The Secretary to the Commissioners,

Board of Revenue, MADRAS.

Ref.C. *No.* 3687/36A *dated* 31/7/36. *19*

Sir,

Enclosures_____

_____

_____

Spare Copies

*Land Acquisition - Hospet Taluk - Amaravathi village S.No.250 - for quarters to workmen of the India Sugars and Refineries Ltd., Hospet - Draft notification - under section 4(1) of the Act submitted.

The India Sugars and Refineries Ltd.,Hospet has applied for the acquisition of S.No.250 of Amaravathi village of Hospet Taluk to enable it to erect dwelling houses for workmen employed by the Company and to provide other amenities directly connected therewith. The company has been registered under the Indian Companies Act 1913.

2. I therefore submit a draft notification under section 4(1) of the Act for transmission to Government for publication in the Fort St.George Gazette. pp. 3 infra

3. There are no tombs, grave yards or religious buildings in the land proposed for acquisition.

4. Draft agreement under section ~~4(1)~~ 41 of the Land Acquisition act prepared in accordance with the sample form received with Board's Endorsement D.No.2312/36 dated 16-4-36 is also enclosed for the approval of Government. pp. 4-7 infra (not received)

1-8-36.

RVJ/31.7. For Collector.

31/7

3/

Rev. Dept

Cnl. 3554 B/36

Land acquisition (Bellary Hospet taluk) Amaravathi village S. No. 252 Quarters for Workmen the Indian Sugars and Refineries Ltd. Notification

C.F

T.O.R.S.

Factories and Industries are subjects allotted to the Development Dept. Reference is also solicited to Rule 34 of the Secretariat Rules for orders whether the current will be transferred to the Develpt. Dept. The agreement at pp 7-11 C.F has to be executed by the Secy, Develpt. Dept.

18 of Hand Book 0/0.0

37 of Book 84

ASSISTANT SECRETARY TO GOVERNMENT
24 AUG 1936
DEVELOPMENT DEPARTMENT

21.8.36

Dev

Rev. No. 3554 B/361 20-8-36
21/8/36

Dev. 1228 IV
24. 8. 36

Rev. Dept

No 20-S.

The papers in the present file relate to the acquisition of land under the Land Acquisition Act on behalf of the 'India Sugars and Refineries Ltd.', Hospet for providing quarters to their workmen. The Collector of Bellary submitted proposals in July 1934 for the acquisition of the same plot of land and a notification was issued under section 4(1). In November 1934 the Collector requested govt. to appoint the times and place for the enquiry under section 40(2) of the Act & the Government issued orders accordingly. At the enquiry held, none of the persons interested in the land controverted the statement of the Company about the purpose of acquisition. Subsequently in August 1935, the Collector reported that the Company had no immediate need for the land & requested govt. to issue a notification under section 48(1) of the Act withdrawing from the acquisition. This was approved vide G.O. No. 942 dated 31.8.35

2. Now the Collector has again submitted a draft notification under section 4(1) and a draft form

(G) p. 3 of G.O. No. 1684 dated 20.8.

(N) p. 1 of G.O. No. 2202, dated 30-11.

(F) p. 2 of G.O. No. 942, dated 31-8

(F) p. 1 of

(F) p. 3 of

5/13

pp. 4 to c.f.

of agreement for approval No suggestion has been made regarding the time and place for the enquiry under section 40(2) of the Act. Presumably he thinks that such enquiry is unnecessary as the persons interested did not object on the previous occasion. A draft order under section 4(1) approving the notification ~~and~~ approving and the draft form of agreement are submitted for approval

3. The file may be sent to Rev. deptt. for remarks, if any.

ASSISTANT SECRETARY TO GOVT. - 2 SEP 1936 REVENUE DEPARTMENT

Rev. 6. 1228-IV/36
1.9.36.

P.S. ~~It has~~ sent to Rev. Dept. 31-8-36. 1/9/36

31/8 Rev. Dept.

Rev. Dept.

Rr 3915B
2.9.36

(not put up) B2 1/9/36

PDK 4A.

p 4 c f

TOAS

The draft agreement at pp 4 to 6 c.f. has been compared with the form at p. 260 of the Land Acqn. Manual. It requires the following corrections: In the 5th line of the 1st para, the word on is to be replaced by the word "of"; and in line 9 of para 3(f) after "than" the word "the" should

dwelling houses etc, the Company shd then be required to enter into an agreement providing for the matters specified in Sec. 41. Every such agreement shd be published in the Tam. St. Govt Gazette as well as in the Gazette of India. Such publication can be ordered at the time of publishing the declaration under sec. 6. see Sec. 42.

Dev. may be requested to follow the above procedure, & to ask the Coll. to hold an enquiry under § 5-A & to report. Whether the purpose of the acqn is to obtain land for the erection of dwelling houses etc etc (as in § 40 (1) (a)) & to submit a draft declaration under § 6 & an agreement executed by the Co. under § 41 if he is satisfied on the points mentioned in § 40 (1) (a)

Before passing on the file to Dev & Sec. shd check the terms of the agreement with reference to precedents

11.5.36

To A.S.

With reference to the last para of asst Secy's note on p 6 ante the draft agreement at pp 4-7 c/f has been checked. The practice is to require the usual (*) condition of alienation to be included in the agreement.

As regards the form of the agreement it is in accordance with the standardised form in G.O. no 2080 Rev of 10.10.29. The terms of the agreement proposed are more or less similar to the conditions of alienation in G.O. no 415 Rev of 24.2.36 with suitable modifications with reference to the circumstances of the present case.

The following modifications however seem to be called for.

(1) the words "and for no other purpose" may be added at the end of clause (c) in para 3

This addition is very necessary. I had occasion to suspect that the Sugar factory [as I afterwards found] intended to speculate in lands at A vide c/f pp 21/9. A

(2) In the case of alienation of lands generally no compensation is paid to the alienee in the event of resumption of the land for infringement of any of the conditions of grant; but in this case it is proposed to pay compensation in such cases vide para 3.(f). For orders whether the condition proposed

Vide A at p 18 of 226 W 25.1.34 (R)

(*) for sample form vide Sl. at pp (C)

pp 7-9 of (A)

pp 15-17 of (H)

vide Condition (3) at p 3 of (E)

p 6 c/f for the clause

The Co. pays for the agrt. away. Stand. A

by the Board will be agreed to

3) there is no provision made in the agreement for resumption of land if the land is required for a public purpose or for conducting mining operations. ~~For orders whether~~ A condition to provide for resumption of the land in such a case may be added - CF condition (VI) on page 82 of f.o 1895 W of 30.8.34 (I) ~~subject to orders on point (2) to (3) above the draft agreement seems sufficient.~~

~~The file may be returned to Dell~~

(I) → * - Vide letter at (X)

Shows the status this Supdt who issued challan

16.9.36

27/11/1936

15 condition (d) on p 5 CF

This will have to be entered as the last condition of alienation - the CF condition (8) on p 3 of (A).

TO A J

Condition (e) on p 6 CF. No remarks.

Condition (f) on p 6 CF.

The wording usually adopted. This may follow ~~the usual condition of alienation~~ (CF condition (VI) (VII) & (VIII) on pp. 83-84 of f.o 1895 W of 30.8.34) & may be split up into 3 (4) conditions.

(I).

(X) letter (of) (of) (M)

P.T.O

9. 11.

Condition (g) on p 6 cr --

A on p 100 of (R)

[illegible] the Instrument dated 25th [illegible] the Deed Poll of [illegible] suggested restrictions that should be imposed [illegible] the alienation of the building. The [illegible] condition [illegible] adequately protect [illegible] Subject to the removal of condition (d) to (g) which is covered by undertaking (M) [illegible]

A 21/9 21.9.36

[illegible] the Building may be removed to Development [illegible]

21.9.36

21/9

22.9.36

Rev. no. 39578/36.1

22/9/36

Development

ASSISTANT SECRETARY TO GOVERNMENT 23 SEP 1936 DEVELOPMENT DEPARTMENT

Dev. 1662 IV

23.9.36.

12 ~~40~~

Lo Ze &

Please see Revenue deptt. ~~deptt.~~ notes from page 3 supra. ~~The draft order (with the omission of para 2) may issue as suggested by Revenue deptt. After issue, further action the Collector may be~~ The Board of Revenue may be informed that the procedure set out in Part VII of the Land Acquisition Manual should be followed before the agreement can be approved & that the draft agreement should be modified as pointed out by Revenue deptt. ~~29.9.36.~~ A revised draft order is submitted for approval.

A alp. 5 supra

A alp. 4 supra

A alp. 9 supra

CR
11/10

P.S.
29.9.36.

CR
31036

V5

Rev. Sectt.-23—2,125—5-12-35.

GOVERNMENT OF MADRAS.

Received _____ 193 *Registered* _____ 193

Abstract.

REVENUE DEPARTMENT.

G.O. No. Ms. **Dated the**

READ the following :—

ORDER—

The Government sanction the alienation of

2. The alienation will be free of charge for the occupancy right

but subject to the following conditions :—

The land shall be used

and for no other purpose.

7 The buildings shall be constructed within from the date of the grant.

(3) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant). If there are buildings on the land the Government may direct the grantee to remove them.

(4) The Government may resume the land, wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. (In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less.)

In the event of resumption under condition if there are buildings on the land, the Government may, at their option, either—

(*a*) purchase the buildings, or

(*b*) direct the grantee to remove the buildings.

(6) In the event of the resumption of the land followed by the purchase of the buildings under condition or in the event of the acquisition of the land for any reason, the compensation payable for buildings or other improvements shall in no case exceed (the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with) the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant.

(7) In the event of the grantee refusing to remove the buildings, when so directed under condition the Government may remove them and realize the cost of the removal by the sale of the materials.

(8) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant).

(a) to (c) as in p 5 CF VI (e) on p

(d). ~~That~~ The company shall not alienate the land either temporarily or permanently by lease or mortgage or sale or exchange or otherwi

(e). The Govt may resume the land wholly or in par with the buildings thereon in the event of the

if condition (V) on p 82 of (I)

infringement of any of the Conditions mentio in clause (a) to (d) above or if the Company wound up or if ~~it~~ in the opinion of the Govt the land is required for a public purpose for conducting mining operations.

CF condition (VII) on p 84 of (I)

(f). In the event of such resumption, if the are buildings on the land the Govt may at the option either

(a) purchase the buildings or

(b) direct the grantee to remove the buildings at its own Cost within such time as they may allow.

condition (VIII) on p 84 of (I) & condition (6) on p 3 of (C)

(g). In the event of the resumption of the lan followed by the purchase of the buildings under clause (a) above or in the event of the acqui of the land for any reason, the compensation payab thereof shall in no case exceed the initial cos less 15% awarded for Compulsory acquisitio or the value of the land at the time of resumption or acquisition, whichever may be less, ~~of the land~~ toget with the initial cost or the value at the time of

20

resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant

Cf condition (6) on p3 of (I)

(h) In the event of the Company refusing or neglecting to remove the buildings within the time allowed in any direction issued under sub-clause (h) of clause (f) the Govt may remove them and realise the cost of the removal by the sale of the materials.

Cf condition (7) on p3 of (I) + A on p100 of (R)

(i) In the event of the voluntary relinquishment of the land by the Company, no compensation shall be payable on account of the land or of any improvements that may have been effected or other works that may have been executed on the land by the ~~grantee~~ Company ~~the Company shall not be entitled to the repayment~~ at its cost.

Cf condition XI on p84 of p.o at (I)